

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13454 of 2019

Arising Out of PS. Case No.-257 Year-2018 Thana- SAHARSA District- Saharsa

1. Samsad @ Md. Samsad @ Md. Shamshad@ Md. Meer Shamshad @ Lal Babu, son of Late Mazhar Ali, Resident of Saharsa Basti, Ward no. 38, P.S. and Distt - Saharsa.
2. Hasim @ Meer Hasim @ Md. Meer Hasim @ Md. Hasim, son of Late Mazhar Ali, Resident of Saharsa Basti, Ward no. 38, P.S. and Distt - Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dinesh Maharaj
For the Opposite Party/s	:	Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 06-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 447, 384, 307, 34 of the Indian Penal Code registered in connection with Saharsa Sadar P.S. Case No. 257 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of the earlier Saharsa Sadar P.S. Case No.988 of 2017 instituted under Section 302, 34 and 12(B) of IPC for murder of the son of the petitioner No.1 in which the informant and other family members were made accused. Petitioner No.1 and the informant are Samdhis. There



is no accusation of assault attributed to the petitioners who are said to be only order givers. In any event, there is no injury report to corroborate the accusation of assault by the accused persons. The petitioners have been implicated in other cases filed by the informant's side in which they are on bail.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 257 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the



State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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